



Belarus

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

According to its amended Constitution, the country is a republic with a directly elected president and a parliament consisting of two chambers. The lower chamber's members are directly elected and the upper chamber's members are appointed by the president and elected by regional councils. President Aleksandr Lukashenko, first elected in 1994, has systematically undermined the country's democratic institutions. Through a series of flawed referenda, manipulated elections, and undemocratic laws and regulations, he has concentrated all power in the executive branch and extended his term in office. An October 17 referendum changed the Constitution and removed term limits for the office of President. Both the referendum and the parliamentary elections that took place on the same day failed to meet international democratic standards. The judiciary is not fully independent and operates under significant control by the presidential administration.

The Committee for State Security (BKGB) and the Ministry of Internal Affairs (MVD), both of which report directly to the President, share law enforcement and internal security responsibilities. The President and the Presidential Administration exercise control over the security forces. Members of the security forces committed numerous human rights abuses.

The economy was largely centrally planned with industry accounting for approximately 50 percent of economic output. The country had a population of just under 10 million. The majority of workers were employed in the state industrial and state agricultural sectors. The living standards for many segments of society remained low, and wages in the state sector were lower than the national average. The International Monetary Fund reported that the gross domestic product grew by an inflation adjusted rate of 6.4 percent. The rate of inflation was 20 percent for during the year. The Government reported that unemployment decreased to 2.4 percent, but most independent observers believed that hidden unemployment was high.

The Government's human rights record remained very poor and worsened in some areas, and the Government continued to commit numerous serious abuses. The Government continued to deny citizens the right to change their government through a transparent democratic process; opposition political parties and movements were subjected to increased pressure through both judicial and extrajudicial measures. The Government refused to register many opposition parliamentary candidates. The authorities did not undertake serious efforts to account for the long term disappearances of well known opposition political figures and a journalist and continued to discount credible reports regarding the role of government officials in those disappearances. Police abuse and occasional torture of prisoners and detainees continued. Prison overcrowding remained a problem. Security forces arbitrarily arrested and detained citizens for political reasons; in addition, individuals were sentenced to jail terms for such political crimes as defamation of state officials.

The Government continued to restrict the freedoms of speech, press, assembly, and association. Law enforcement officials arrested and used excessive force against individuals peacefully protesting electoral and referendum fraud and also against journalists reporting on such protests. It intensified pressure on the independent media by closing numerous newspapers. It further restricted the activities of NGOs by using legal technicalities to de register them and subjecting them to frequent tax investigations and other forms of harassment. It imposed restrictions on religious freedom. The Government shut down most major registered human rights NGOs, and state security authorities increasingly harassed those that remained. Societal violence and discrimination against women remained problems. Trafficking in women and children remained a problem, although the Government continued serious efforts to combat it. The authorities intensified their already severe restrictions on workers' rights to associate freely, organize, and bargain collectively.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, at least one individual died in official custody in circumstances suggesting official culpability.

On January 23, Maksim Khromelyu died in police custody; credible reports indicate that his body displayed bruising and hemorrhaging indicative of assault.

There were no credible government efforts during the year to solve the disappearances and presumed killings of journalist Dmitryy Zavadskiy in 2000, opposition figures Yuryiy Zakharenko, and Viktor Gonchar in 1999, and businessman Anatoliy Krasovskiy in 1999 (see Section 1.b.). Credible evidence indicates that government agents may have killed Zakharenko, Gonchar, and Krasovskiy because of their involvement with the political opposition. On April 6, the Government declared Zavadskiy to be deceased and suspended its investigation of his abduction for a second time. They first declared in November 2003 that Zavadskiy was deceased and then reversed that declaration and resumed the investigation in December 2003.

b. Disappearance

There were no confirmed reports of politically motivated disappearances during the year.

The earlier disappearances and presumed killings of television cameraman Dmitryy Zavadskiy, former Minister of Internal Affairs Yuryiy Zakharenko, 13th Supreme Soviet Deputy Chairman Viktor Gonchar, and opposition supporter Anatoliy Krasovskiy remained unresolved. There were credible reports that senior government officials were involved in the disappearances, and the Government did not make a serious effort to solve them during the year. On April 8, the U.N. Commission for Human Rights (UNCHR) approved its second resolution on the disappearances, urging the Government to conduct an impartial investigation, beginning with the suspension of those senior officials suspected of involvement. The UNCHR nominated a Special Rapporteur to examine the country's human rights performance (see Section 4). The authorities denied a visa to this Rapporteur in December. On April 28, following an investigation of the disappearances by its own Special Rapporteur, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution stating that the Government had failed to investigate these disappearances and had covered up the true circumstances of the disappearances (see Section 4). The Government has not acknowledged the deaths of the other three.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police and prison guards regularly beat detainees and prisoners. The law restricts the use of force by police and prison officials; however, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure.

Police and plainclothes officers occasionally beat individuals while arresting them or holding them in detention. During a July 21 opposition protest, Interior Ministry riot police (OMON) beat 17 year old Mikhail Avdeyev with truncheons, leaving him with broken ribs and a hematoma, which led to the removal of his spleen. On October 19, in breaking up a protest following the constitutional referendum, police used truncheons and other force against some of the protesters while arresting them, including United Civic Party leader Anatoliy Lebedko. Lebedko was hospitalized after his arrest, beating, and a subsequent brief detention. Police forcibly kept journalists from photographing the arrest and beating of Lebedko and damaged a video camera in the process.

Credible reports indicated that prison guards regularly beat detainees and prisoners and that torture was widespread in prisons. There were no prosecutions in the March 2003 police beating of Anton Kishkurno. The Ministry of Foreign Affairs (MFA) reported that the district police officer in charge of youth issues was dismissed after the investigation into the July 2003 beating of Oleg Gnedchik.

Dedovshchina, the practice of hazing new army recruits through beatings and other forms of physical and psychological abuse, reportedly continued. The authorities blocked efforts by family members and human rights monitors to investigate reports of dedovshchina.

On several occasions during the year, unknown persons attacked political opponents of the Government. On July 1, several unknown assailants beat prominent opposition parliamentarian Valeriy Frolov and his driver as they were returning from Moscow; no arrests were made in the case. No further developments were reported in the 2003 beatings of school rector Vladimir Kolas, scientists Yevgeniy Babosov and Radim Goretskiy, and NGO head Oleg Volchek nor was there any indication that the authorities were pursuing these cases.

Prison conditions remained austere and were marked by occasional shortages of food and medicine and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. About 1,100 prisoners were infected with HIV. Leila Zerrougui, the chairperson of the U.N. Working Group on Arbitrary Detention, who visited the country in August, noted that conditions in detention centers were worse than those in prisons because of improper sanitary and living conditions, restrictions on detainees' rights to make phone calls and receive parcels, and pressure to confess to wrongdoing. According to human rights monitors, conditions in prison hospitals were also poor.

The problem of overcrowding eased. The Government reported that the prison population, which was 52,500 in 2003 decreased to approximately 33,000 in June. In many cases, food provided in prisons did not meet nutritional requirements or accommodate dietary needs.

According to prison policy, male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees normally were held separately from convicted prisoners.

At times, authorities granted human rights monitors access to observe prison conditions. In August, they allowed a visiting delegation from the United Nations Working Group on Arbitrary Detention general access to prisons and detention centers; however, the Government denied the group access to a BKGB detention center, claiming that the group did not request the visit in advance. The monitors indicated that they had not been informed of such a notification requirement. The ICRC did not seek permission to visit inmates during the year.

d. Arbitrary Arrest or Detention

The law limits arbitrary detention; however, the Government did not abide by these limits. Authorities continued to use administrative measures to detain political activists before, during, and after protests (see Section 2.b.). Politically motivated arrests continued, but most of those arrested were released within a few hours or days.

The Ministry of Interior has authority over the police, but the BKGB and Presidential Security forces also exercise police functions. The President has the right to subordinate all security bodies to his personal command. Petty corruption among police was widespread. Impunity remained a serious problem. While the law gives individuals the right to report police abuse to the prosecutor, the Government often did not investigate abuses by the security forces or hold the perpetrators accountable.

The law specifies that police may detain an individual for up to 3 hours without providing any explanation for the detention, and the authorities frequently used this provision to detain opposition members and demonstrators. Police often detained individuals for several hours for the ostensible purpose of confirming their identity. On December 22, police detained 70 people about to depart for Kiev to observe the Ukrainian presidential elections. They were held for 4 hours and released without charge. The detention prevented the observers from boarding their scheduled train. The law allows police to detain a person suspected of a crime for up to 10 days without a formal charge and up to 18 months once charges are filed, and the authorities generally did not exceed these limitations. The law gives detainees the right to petition the court to determine the legality of their detention. In practice, appeals by suspects seeking court review of their detentions were frequently suppressed because detention officials were unwilling to forward the appeals. There is no provision for bail.

The law requires a warrant for searches; however, the Government in some cases performed searches without a warrant. For example, on June 30, police officers entered Yevgeniy Afnagel's apartment without presenting a warrant, then arrested Afnagel for attempting to refuse entry to the officers. There was credible evidence that prosecutors charged and courts convicted, individuals on false charges. There was also credible evidence that authorities filed economic charges against individuals in order to receive monetary payments, in at least one case extrajudicially.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. Information obtained from such interrogations was used against the defendants in court. The Government frequently failed to notify family members when a detention occurred, including that of a juvenile. For example, on September 23, police detained tenth grader Aleksandr Ryzhanovsky for 3 hours for passing out anti government leaflets before notifying his parents, despite the legal requirement for immediate notification.

The Government arbitrarily detained representatives of independent media (see Section 2.a.). On October 17, police arrested Russian journalist Pavel Sheremet on allegations of starting a fight in which Sheremet received serious injuries. Credible reports indicated that Sheremet was the victim of the assault, not its perpetrator, and that his detention was related to his journalistic work. Charges against Sheremet were later dropped. Police on multiple occasions during the year detained journalists for Russia's REN TV who were covering protests. Unidentified plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in anti government demonstrations and who distributed opposition materials. Several plainclothes officers apprehended youth group leader Dmitry Dashkevich as he shouted, "Shame!" during an address by President Lukashenko announcing a referendum that would eliminate term limits on the presidency and thus permit him to run for a third presidential term. Police took Dashkevich away in an unmarked van (see Section 2.a.). On October 19, police arrested 34 opposition activists for holding an unauthorized rally in the center of the city near the Presidential Administration; these activists received fines or administrative detention of up to fifteen days. On July 21, police arrested 60 individuals during a protest, and one protester was hospitalized as a result of injuries sustained during the arrests (see Section 1.c.). Security officials also held some detainees incommunicado following demonstrations.

In addition to hundreds of anti government protesters, many of whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention. Lengthy pretrial detention was common, although statistics on the number of persons in pretrial detention and the average length of such detention were not available. BKGB officers arrested and detained the former External Economic Affairs Minister and opposition politician Mikhail Marinich from April 26 until the end of December on a changing series of charges that included illegal possession of firearms, illegal possession of classified documents, and theft of computer equipment and cell phones from an NGO he headed. On December 30, Marinich was convicted of the theft of the computer equipment and cell phones and sentenced to 5 years in prison (see Section 1.e.). U.N. observers were denied access to Marinich to verify his condition (see Section 1.c.).

e. Denial of Fair Public Trial

The Constitution subordinates the judiciary to the executive branch by giving the president the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The President also appoints the chairmen of the Supreme Court and the Supreme Economic Court and has the constitutional authority to appoint and dismiss all district and military judges. One judge was tried and convicted of corruption during the year. Corruption and inefficiency in the judiciary were generally due to political interference in the work of the court system.

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. A Constitutional Court was established to adjudicate serious constitutional issues; however, it was dependent on the executive branch. In practice, it did not challenge presidential initiatives and had no means of enforcing its decisions.

Prosecutors are also organized into offices at the district, regional, and republic levels. They are responsible to, and serve at the pleasure of, the Prosecutor General, who is appointed by the President. Prosecutors are not independent and do not have the authority to bring charges against the President or the members of his executive staff.

The Constitution provides for public trials; however, the courts frequently held trials in judges' offices, which prevented interested observers from monitoring certain trials. Judges adjudicate most trials; juries determine innocence or guilt only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial. Since judges were dependent on the Ministry of Justice (MOJ) for sustaining court infrastructure and on local executive branch officials for providing personal housing, there were widespread and credible reports that executive and local authorities dictated the outcome of trials.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected. Those sentenced to administrative detention often were not notified about trials against them. For example, on September 24, a court sentenced Nikita Sasim to 15 days of detention for hooliganism without Sasim's presence. On September 3, in Grodno, a judge denied Valeryy Levonevskiy the right to present witnesses, arguing that the 10 prosecution witnesses had provided enough information. On September 7, the judge sentenced Levonevskiy to 2 years in prison for defaming the President in a poem. The law provides for unlimited access to legal counsel for detainees and requires that the court appoint a lawyer for those who cannot afford one; however, at times these rights were not respected.

A presidential decree that subordinates all lawyers to the MOJ compromised the independence of lawyers. Several lawyers have claimed that they were told they would not receive licenses because of their activities in defense of NGOs or opposition political parties.

The Constitution provides for the right to choose legal representation freely; however, a presidential decree prohibits members of NGOs from representing individuals other than members of their own organizations in court. This decree was used on several occasions during the year to deny NGO members the right to defend individuals in court and was also used as a pretext to close certain NGOs (see Section 4). The Constitution establishes a presumption of innocence; however, in practice defendants frequently had to prove their innocence. In December, President Lukashenko noted that 93 individuals had been acquitted during the year; Deputy Justice Minister Aleksandr Petrash noted that over the first 10 months of the year the courts adjudicated 243,000 administrative cases, 117,000 civil cases and 48,000 criminal cases. Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in reversals of verdicts. In an appeal, neither defendants nor witnesses appear before the court; the court only reviews the protocol and other documents from the lower court's trial. On December 20, the Chairman of the Supreme Court stated that annually only 1.5 percent of all court decisions were overturned on appeal.

A few individuals were held as political prisoners. On September 7, a Grodno judge sentenced opposition activists Valeryy Levonevskiy and Aleksandr Vasilevto to 2 years in prison for authoring a poem insulting President Lukashenko. The judge prevented the men from calling witnesses during the trial. There were no reported attempts by humanitarian organizations to visit Levonevskiy or Vasilev during the year.

On December 30, a court in Minsk sentenced opposition political figure Mikhail Marinich to 5 years in prison on the charge of having stolen property belonging to an NGO he headed, even though the NGO had not claimed that the property was stolen. Marinich, a former government minister and presidential candidate, was widely regarded as a likely opponent of President Lukashenko in elections scheduled for 2006. During the trial, the prosecutor asked numerous questions about Marinich's political activities, which were unrelated to the charges, lending credence to accusations the trial was politically motivated. The court also ordered confiscation of \$90,000 found on Marinich's person at the time of his arrest; the money was also unrelated to the charges. The BKGB had held him in pretrial detention since April (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, these rights were not respected in practice. The interception of telephone and other communications without a court order is prohibited; however, in practice authorities continued to monitor residences, telephones, and computers. The BKGB, MVD, and certain border guard detachments may use wiretaps, but they must first obtain a prosecutor's permission; however, the BKGB entered homes, conducted unauthorized searches, and read mail without warrants. Credible reports indicate that government agents covertly entered homes of opposition activists and offices of opposition groups.

The lack of independence of the prosecutor's office rendered the due process protections relating to wiretaps meaningless. The law provides penalties for those who obstruct BKGB officers in the performance of their duties. Any effort to prevent BKGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal by such entities to allow audits or to deny or restrict access to company information systems and databases. Contracts used by the Ministry of Communications for supplying telephone service prohibit subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

In most circumstances, night searches are prohibited, but this prohibition was occasionally ignored. On April 17, the Grodno regional prosecutor's office confirmed that the two men who broke into the offices of the independent newspaper Den on the evening of March 18 were BKGB officers but refused to explain their actions, citing a law on state secrets. In the evening of December 22, BKGB officers raided the offices of the NGO, Partnership, confiscated the group's computers, and broke its fax machine.

Nearly all opposition political figures reported that authorities monitored their activities and conversations; the Government did not deny these reports. During the trial of Mikhail Marinich, the prosecutor introduced as evidence a number of transcripts of Marinich's phone conversations that had been recorded by the BKGB (see Section 1.e). Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services. The Prosecutor General declined to investigate charges of illegal wiretapping brought by members of the opposition.

There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch thwarted attempts to exercise such oversight. Some officials were themselves monitored.

Harassment in the form of inspections by security officials and confiscation of political literature, often without warrants, was widespread. Targets included opposition candidates and their supporters. On October 1, police seized large quantities of campaign leaflets from registered parliamentary candidates Valentina Polevikova and Aleksandr Dobrovolsky of the United Civic Party (UCP), after searching a campaign office without providing a warrant. Police occasionally detained family members of political leaders. Police detained Valeriy Levonevskiy's eldest son, Dmitryy, on several occasions after Levonevskiy was initially arrested on May 1. On April 29, prior to a scheduled May 1 protest, which Valeriy Levonevskiy helped organize, his sons Dmitryy and Vladimir and his daughter Yekaterina were all detained for handing out leaflets for the protest.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government did not respect these rights in practice. The Government took serious steps to stifle independent media. The Ministry of Information suspended 25 independent newspapers and interfered with the efforts of others to print and distribute. The authorities imposed huge fines on journalists and editors for criticism of the President or his supporters. The Government continued to make use of its monopoly on television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view, particularly in the period leading up to the October parliamentary elections and constitutional referendum.

The law, which prohibits a range of broadly defined activities, effectively limits freedom of expression. The law provides for punishment of public insults or libel against the President by up to 4 years' imprisonment, 2 years' khimya (detention in internal exile), or a large fine. The authorities continued to make use of such laws, which also penalize insults to other government officials, to stifle press freedom, to imprison political opponents (see Section 1.e), and, during the election campaign, to disqualify some opposition candidates and intimidate others (see Section 3). According to Belarusian Association of Journalists (BAJ) President Zhanna Litvina, the laws penalizing slander of officials effectively constituted a ban on press criticism of the Government. The law also limits freedom of expression by prohibiting the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order. In November, a judge in the Grodno region fined Vadim Saranchukov of the Belarusian National Front for displaying the banned nationalist white red white flag.

Government authorities fined, warned, or jailed members of the media, members of opposition, and religious groups, who publicly criticized the Government. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office by a media outlet may ask the prosecutor to sue both the journalist and media outlet that printed the criticism.

On June 9, a district court in Minsk sentenced Oksana Novikova, a prominent anti Lukashenko protester, to 2 years and 6 months under house arrest for slandering the President. Prosecutors accused Novikova of passing out leaflets at the main railway station in Minsk which contained slanderous information and that accused the President of serious crimes. These leaflets, which Novikova herself typed and copied, included a picture of Lukashenko and specifically accused him of causing the disappearance of various citizens, causing natural gas to be shut off in February, smuggling, cheating the Government out of customs revenue by exempting his companies from paying customs fees, and retaining power illegally.

The highest circulation newspapers and other print media were state owned and printed only materials supportive of the

Government. There were independent newspapers, including one independent daily, and magazines, many of which engaged in limited criticism of the Government. However circulation was small and some of these publications engaged in self-censorship.

Only the state run radio and the state-run television networks ONT and Belarusian Television (BT) broadcast nationwide. Russian channels NTV and RTR were generally available nationwide, although in many parts of the country only through pay cable services. However, their news programs were at times blocked from broadcast. Broadcasts from other countries, including Poland, and Lithuania, could be received in some parts of the country; however, the Brest local government removed three Polish channels from local cable providers in December. The reporting of both ONT and BT was biased heavily in favor of the Government and sharply critical of opposition politicians and organizations, and both failed to provide opposing viewpoints. This bias became more pronounced before the October 17 parliamentary elections and referendum. The BAJ reported that state channels provided only positive reviews of the President and Government. State owned media, including television, radio, and print, continued to marginalize the political opposition by depicting them in a negative way or by ignoring them altogether. A third state owned television station, LAD, established in October 2003, replaced the popular Russian television network Kultura and some other Russian state television channels. Local independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most of these stations reported that they were under pressure not to report on national level issues or were subject to censorship.

All foreign media correspondents are required to register with the Ministry of Foreign Affairs. On June 21, the BKGB expelled Mikhail Podolyak, the Ukrainian born deputy chief editor of the independent newspaper Vremya, accusing him of attempting to harm national interests, biased coverage, libel, and incitement against the Government.

Veronika Cherkasova, a journalist for the independent Solidarnost newspaper, was killed on October 20. While the official investigation has centered on domestic violence, some members of the independent media view her death as related to her work, which included critical articles on the BKGB.

The Government took numerous actions during the year to stifle independent media. These included: The continued use of libel laws, limitations on foreign funding, pressure on businesses not to advertise with independent media and on distributors not to distribute them, limits on access to newsprint and printing presses, censorship, restrictions on the import of media related materials, and temporary suspension of independent and opposition periodicals. Authorities imposed huge fines on journalists for criticism of the President or his supporters. Several independent newspapers, including Belorusskaya Delovaya Gazeta (BDG), Den, and Solidarnost began printing their materials in Russia because domestic printing presses (mostly state owned) refused to print them. In August, there were credible reports that several large Minsk supermarket chains halted sales of the independent newspapers Belorusskaya Gazeta, Belorusskiy Rynok, Belorusskaya Delovaya Gazeta and Narodnaya Volya after Vladimir Mirgolvskiy, a government official in charge of the markets, suggested that the stores not sell the newspapers, as they might disturb and excite citizens during parliamentary elections. These newspapers could still be purchased from independent sellers, but their circulation was seriously restricted by these measures.

The Government suspended 25 newspapers during the year, including 11 in the month before the parliamentary elections. On February 11, Information Minister Vladimir Rusakevich suspended the regional newspaper Evening Stoln for 3 months. Rusakevich stated the paper was suspended for covering politics despite its registration as an entertainment newspaper. Credible reports indicate the closure was motivated by the newspaper's independent political coverage. In August, police seized 1,070 copies of the Vremya newspaper, printed in Russia, from an opposition activist as he brought the paper into the country. On September 3, the Minister of Information suspended Vremya. On October 19, foreign journalists were prevented from transmitting footage of post-election protests.

Independent media underwent numerous inspections from the Ministry of Information, tax inspectors, and other government bodies. On April 17, the Grodno regional prosecutor's office confirmed that two men who broke into the offices of the independent newspaper Day on the evening of March 18 were BKGB officers but refused to provide an explanation for their actions, citing a law on state secrets (see Section 1.f.).

The Government levied fines against newspapers, journalists, and editors as another way to stifle the independent press. In the case of Narodnaya Volya, the country's only independent daily, the courts imposed huge libel fines against the newspaper, a journalist, and the person interviewed, for a story that criticized a government official. In a separate case, Narodnaya Volya was fined for libeling a progovernment businessman. In August, the courts seized most of Narodnaya Volya's property until these two large libel fines were paid a short time later. In November, the deputy editor of the newspaper fled the country and sought political asylum abroad. According to the BAJ, independent newspapers, especially in the provinces, engaged in self censorship due to the Government's use of the libel laws to fine journalists and editors. On May 26, the government owned Minsk publishing house Svetoch phoned the editor of Mestnaya Gazeta, an independent newspaper, to demand that an article about corruption in the local tax authority be removed. When the editor refused, the publishing house cancelled the printing job. The publishing house refused to renew contracts, or enter into contracts, with several other independent newspapers.

On April 17, authorities interrupted the broadcast of the Russian channel Rossiya, ostensibly for routine maintenance, during a news program that had been scheduled to report on recent developments in Belarusian politics. The broadcasts contained interviews with opposition members.

The arbitrary use of presidential power, often exercised through presidential decrees, created additional obstacles to an independent press. A November 2003 presidential decree "On Improving the System of Receipt and Use of Humanitarian

Assistance" was allegedly aimed at stopping foreign supported seditious activity. The decree specifically prohibits a broad range of foreign supported activities and was the basis for a nationwide crackdown during the parliamentary electoral campaign on independent media outlets and independent NGOs, many of which were supported by the international community (see Section 3).

The Government successfully discouraged companies that owned printing presses from printing the legally authorized leaflets of opposition candidates by threatening them.

The law specifies that the Government may close down a publication after two warnings about violations of various restrictive laws, and the authorities continued to pressure independent newspapers through the use of these warnings. The Government issued 160 warnings against 81 independent newspapers during the year. Regulatory provisions also grant the authorities power to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs. During the parliamentary election campaign, the Ministry of Information ordered the suspension or closure of 11 independent newspapers, citing publication and distribution violations. In one of these cases, a paper was accused of illegally publishing two newspapers after the Ministry determined that its television program guide supplement counted as a separate publication.

The Government tightly controlled the content of television broadcasts. The Ministry of Information informed radio stations during the year that they were no longer required to forward copies of the news stories they had broadcast to the Ministry of Information; however, the change in the requirement did not noticeably affect the content of the news presented. Credible reports claimed that during the year the BKGB was tasked with censoring national television news broadcasts. The Government banned six popular musical groups from playing concerts, being played on the radio, and from being distributed on compact disks or tape after the groups performed at a July 21 opposition concert.

The Ministry of Culture refused to authorize the distribution of a requiem film about the late writer Vasil Bykov claiming that the film said nothing about Bykov as a writer and expressing fear that the film might have a negative influence on the moral and ethical fundamentals of life within the country. The documentary featured interviews with friends of the author who regarded Bykov as a great writer. The Ministry of Culture also banned two films about WWII, alleging that one attempted to humanize Hitler and the other misrepresented the WWII guerrilla movement, might insult veterans, and have a negative influence on the next generation. On two separate occasions clubs cancelled concerts initiated by and supportive of students of the closed Belarusian Lyceum. Credible reports indicated these clubs were encouraged to cancel the concerts because of the Lyceum chairman's links with the opposition.

The Government's telecommunications company Beltelekom retains a state monopoly over Internet service, which resulted in high prices, poor quality, limited service, and allowed the Government to monitor practically all e-mail. Unlike in previous years, there were no confirmed instances of authorities selectively cutting off Internet access, although leading human rights websites were occasionally inaccessible.

The Government continued to restrict academic freedom, in part by requiring all educational institutions to teach, and all students to study, the official state ideology, a concept which combines reverence for the achievements of the Soviet Union and Belarus under Lukashenko with advocacy of an authoritarian, Soviet style, political and social structure. In April, the Ministry of Education announced that all higher education establishments, regardless of whether they are private or state run universities, must adhere to state standards. On July 26, the Government cited a failure to meet "state standards of education" when it closed the European Humanities University (EHU), the country's premier independent university, by depriving it of premises. On September 23, President Lukashenko declared that the Government had closed EHU and the Belarusian National Humanities Lyceum, closed in 2003, because the schools sought to educate a new national elite that would turn the country to the West. In April, the Government closed two independent think tanks, and pressured other think tanks throughout the year.

The Government continued to harass students engaged in anti government activities, such as demonstrations (see Section 2.b.). Students reportedly were pressured to join the government-backed Belarusian Republican Youth Movement (BRYM) in order to receive benefits and rooms in dormitories. Credible reports indicated that local authorities pressured BRYM members to campaign on behalf of government candidates. Several members of opposition-oriented youth groups were expelled from institutions of higher education for their political activities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. Police and other security officials beat, detained, and attempted to coerce confessions from some demonstrators following several unsanctioned but peaceful demonstrations.

By law, organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision no later than 5 days prior to the scheduled event. A single infraction of these regulations entitles the Government to shut down the organization concerned. However, permits to demonstrate either were not granted or were granted only for demonstrations in obscure, hard to reach locations.

Demonstrators are required by law to pay for any damages that arise from demonstrations and to pay for the presence of police and medical personnel, though this requirement was generally not enforced in practice. Only political parties, trade unions, or registered organizations may request permission for a demonstration of more than 1,000 individuals. The law also prohibits the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order (see Section 2.a.).

According to members of opposition parties, authorities frequently denied permission to opposition groups to meet in public squares in the center of Minsk. Nevertheless, demonstrations occurred in Minsk, varying in size from a few participants to approximately 2,000. However, the demonstrations were always under strict government surveillance, including open videotaping of the participants by police and plainclothes security officers. Demonstrations also occurred in other parts of the country, although less frequently.

On October 2, police interrupted a meeting of a group discussing plans to register a new NGO, started videotaping the participants, and arrested former parliamentarian and prominent independent union leader Sergey Antonchik, the group's leader. Antonchik was sentenced to 15 days of administrative detention for authorizing an unregistered assembly, even though the meeting was held in Antonchik's office. Several venues in Minsk refused the request of the opposition Five Plus coalition to hold a conference; the IBB Center, a hotel conference hall in Minsk, reneged on a December 19 agreement to hold the conference on the next day. Credible sources claimed that the government, a part owner of the center, ordered the IBB to refuse to rent its space to the coalition.

There were several reports that police beat demonstrators during protests. There were also reports that police violently pulled demonstrators into police vans. In July, special police (OMON) detained, arrested, and beat approximately 50 individuals during an unsanctioned protest marking the 10th anniversary of the initial election of President Lukashenko. Courts sentenced 15 participants to short detentions and fined 9 others. After OMON police hit 17 year old Mikhail Avdeyev with truncheons he was hospitalized with several broken ribs and had his spleen removed (see Section 1.c.). Others traveling in a van from outside Minsk to participate in this demonstration were stopped by authorities several times and finally forced to return home by train. On September 7, plainclothes officers seized Dmitry Dashkevich, leader of a youth opposition group, and threw him into an unmarked bus after he and others shouted, "Shame!" during a live address by President Lukashenko announcing a referendum that would permit him to extend his presidential tenure. A Minsk court sentenced Dashkevich to 10 days in prison.

On April 26, police detained several opposition members for participating in an unauthorized rally marking the 18th anniversary of the Chernobyl disaster. A Minsk court fined one of the activists, Lyudmila Gryaznova, approximately \$2,000 (4 million Belarusian rubles), and the Government subsequently refused to place an exit stamp in her passport until she paid the fine, which she did in June.

The Constitution provides for freedom of association; however, the authorities severely restricted this right in practice. The Government continued to employ an elaborate system of laws and regulations governing the registration of organizations for the purpose of restricting the ability of individuals to form associations that might be critical of, or not susceptible to manipulation by, the Government. All NGOs, political parties, and trade unions are required to register with authorities, and it is illegal to act on behalf of an unregistered organization. Legislation on the registration of public associations remains extremely strict; registration procedures are costly and onerous, requiring the number of founders to be specified, their names, and a legal address for the organization, which is in a nonresidential building. Individuals listing themselves as members are vulnerable to retribution. More important, the refusal of the Government to rent premises to organizations of which it disapproves and the expense of renting privately owned space forced most organizations to violate the requirement for a nonresidential address. This in turn led to deregistrations and denials of registration. During the year, the MOJ deregistered or denied registration to 1 opposition and 37 NGOs, many of them because of failure to meet the address requirement. The MOJ also denied registration to one political party and an unknown number of NGOs. On August 2, the Supreme Court closed the Party of Labor, a member of a coalition of leading democratic parties, in part because the Party of Labor failed to maintain a legal address.

A Commission composed of government officials must review and approve all registration applications. The Commission continued to base many of its decisions largely on the political and ideological compatibility of the applicant organization with the Government. While the MOJ claimed that it continued to register NGOs, credible reports indicated that most organizations that were registered during the year dealt with sports and entrepreneurial interests and none promoted civil society. On February 24, the MOJ closed the NGO Maladaya Gramada, citing the group for a violation of the legal residence requirements. According to the Assembly of Belarusian Pro Democratic NGOs, 2,214 NGOs were registered as of January 1. All but two national level human rights NGOs have been deregistered or denied reregistration.

Authorities regularly harassed members and supporters of opposition parties and confiscated their leaflets and publications (see Section 3). During the year, the MOJ acknowledged that no political parties had successfully registered since 1999.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government restricted this right in practice. Although the Constitution affirms the equality of religions and denominations before the law, it also contains restrictive language that stipulates that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people." The Government has negotiated a Concordat and other arrangements with the Belarusian Orthodox Church (BOC), an Exarchate of the Moscow-based Russian Orthodox Church,

which provides that Church with some privileges not enjoyed by other religious organizations.

The Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA) regulated all religious matters in the country. The law concerning religion contains a number of very restrictive elements that were used to hinder or prevent activities of religious groups other than the BOC.

In March, the National Intellectual Property Center granted the BOC the exclusive right to use the word "Orthodox" in its title and to use the image of the Cross of Euphrosynia, the patroness saint of Belarus, as its symbol. This decision could further restrict the ability of Christian Orthodox faiths not under the jurisdiction of Moscow, such as the Belarus Autocephalous Orthodox Church (BAOC) and the True Orthodox faith, to exist in the country.

The law restricts the ability of religious organizations to conduct religious education, requires all religious groups to receive governmental approval to distribute literature, and prohibits foreigners from leading religious organizations. Religious groups that could not register frequently were forced to meet illegally or in the homes of individual members. According to the CRNA, 27 religious denominations were officially registered as of January; however, authorities continued to refuse legal registration at the national level to faiths considered to be nontraditional.

All religious organizations were required to reregister with the authorities by November in keeping with a 2002 law on religion. The law establishes specific requirements for membership size and years of activity for religious groups. According to the CRNA, 2,678 of the 2,783 religious communities previously registered did so by the November 17 deadline. Of the remaining 105, many had dissolved due to lack of membership; others, such as the Hare Krishnas, were appealing their registration denial. The CRNA continued to delay the registration of the Church of Scientology, and the BAOB remained unregistered; registration of its churches would require the approval of local BOC bishops.

Although the Greek Catholic Church was officially registered, it experienced problems with the Government because of historical tensions between it and the government-favored BOC and because of the Greek Catholic Church's emphasis on using the Belarusian language. While the Greek Catholic Church reported that its communities found it easier to rent facilities for worship than in previous years, they were still not able to register a monastery because the Church lacked a registered central association and the monastery did not have the required ten participants. Lack of a central association also bars the church from inviting foreign citizens to engage in religious activities.

The Government increased its harassment of some religious groups based not only upon the law on religion but also on directives that provide additional rules and requirements for religious groups, which are not outlined in the law.

Authorities at the oblast level are required, based on a 2002 CRNA instruction, to assess public opinion before the construction or reconfiguration of religious buildings for religious purposes. According to the CRNA, the authorities may deny permission for such work if the local population opposed it; however, there were no reports of such a denial occurring during the year.

The leaders of the Light of Kaylasa, a Hindu group, sought asylum abroad, citing government pressure against the group, and there were no reports indicating that the group remained active at year's end.

The law allows persons to gather to pray in private homes; however, it places restrictions on holding rituals, rites, or ceremonies in such locations and requires permission from local authorities. Several cases of police interference with prayer meetings in residences occurred during the year.

Limitations on ownership of, or access to, property for religious purposes continued to present problems for a number of religious organizations. Restitution of religious property remained limited. There was no legal basis for the return of property seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes.

According to the Government, the law permits residential property to be used for religious services only after it has been converted from residential use. This ruling effectively requires all religious organizations to reregister their properties as religious properties. Government figures from 2002 showed that 110 religious communities, including 34 Protestant denominations, registered their property according to this ruling; however, authorities continued to reject requests for property registration from many Protestant churches, as well as other nontraditional faiths. At the end of the year, the Government rejected registration of a property that the Hare Krishna community intended to use for religious purposes.

On June 20, Minsk Oblast and CRNA officials reportedly warned a local BAOB priest to stop his efforts to reconstruct a former BAOB church in the town of Semkov Gorodok.

According to the Full Gospel Evangelical Christian Church, authorities continued to deny permission to construct a building for religious purposes in Minsk. District officials banned four evangelical groups from leasing premises for church worship in October, citing violations of safety laws under the Religion and Public Assembly Law. According to Reverend Boris Chernoglaz, pastor of the Church of Christ, government officials first tried to press landlords to break the leasing contracts. When that failed, they resorted to alleging legal violations to prevent the groups from renting the premises.

Meeting hall officials cancelled or refused to extend agreements with religious groups to use their facilities, citing a government decree specifying measures to ensure public order and safety during public gatherings.

Unlike in previous years, there were no reported publications of anti Protestant articles in state owned periodicals during the year, but state owned periodicals continued to publish attacks on other nontraditional faiths. For example, an April 16 article described the activities of destructive "sects" in the country and claimed there were 370 such sects. According to the article, the Unification Church, the Church of Christ, and the Church of Scientology were among the most dangerous of the sects.

According to bishops of the Union of Evangelical Faith Christians in Belarus, authorities have been trying to bar children from attending Protestant churches and Sunday schools. They claim authorities have repeatedly questioned students about their attendance at Sunday schools, the church they belonged to, and the names of their pastors and Sunday school teachers. Teachers reportedly questioned priests of three churches about the curriculum and qualifications of the instructors at Sunday schools. At year's end the impact of this pressure remained unclear.

By law, citizens may speak freely about their religious beliefs; however, the authorities continued to intervene to prevent, interfere with, or punish those who proselytized. For example, on April 17, a court in Mozyr fined three members of the unregistered International Union of Baptist Churches \$176 (380,000 Belarusian rubles) each after they passed out bibles at a local hospital during Easter. The Government also fined and detained members of unregistered religious groups that engaged in illegal religious activity. Police regularly detained, fined, and jailed numerous Hare Krishnas for illegally distributing religious literature. Baptists, Pentecostals, and other Protestants were fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission.

Foreign missionaries were not permitted to engage in religious activities outside of the institutions that invited them. The law requires 1 year, multiple entry, "spiritual activities" visas for foreign missionaries. According to the CRNA, in 2003, religious associations invited 956 foreign religious workers, including 254 who arrived specifically to participate in religious activities. Despite these figures, even religious groups with a long history in the country continued to experience difficulties in obtaining visas. Since April 2003, Grodno authorities have repeatedly denied registration to a foreign rabbi because he does not speak Belarusian or Russian. Members of the Hare Krishna and Protestant communities reported that they were unable to invite any foreign clergy to participate in religious activity. In contrast to previous years, there were no reports that the authorities sought to inhibit the Roman Catholic Church from employing foreign priests in its activities.

Government officials continued to take a number of actions indicating a lack of sensitivity toward the Jewish community. Grodno authorities continued work on a stadium located on the site of a former Jewish cemetery. Following local and international protests, Grodno authorities reached an agreement with the local Jewish community on the treatment and reburial of the remains. Although there were some lapses, construction on the site was completed, and the local community was satisfied with the government's cooperation and the disposition of the remains.

On August 18, the Ministry of Foreign Affairs notified the local chapter of the Union of Councils for Jews in the Former Soviet Union (UCSJ), one of the country's primary Jewish human rights organizations, that it would not be reregistered because the chapter submitted some documents late.

There were isolated instances of anti-Semitic vandalism during the year. On November 5, vandals defaced (for the fifth time) a Holocaust Memorial in Brest. While the Government investigated such incidents and often assisted in restoring such memorials, no individuals have been arrested for vandalism of these sites.

Distribution of the anti Semitic and xenophobic newspaper Russki Vestnik newspaper resumed in February through the state distribution agency Belsoyuzpechat, despite a May 2003 order by the Prosecutor General and the Ministry of Information that it be terminated. Sales of such literature continued throughout the year in government owned buildings, in stores, and at events affiliated with the BOC. Anti Semitic and Russian ultra nationalistic literature continued to be sold at Pravoslavnaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative that sells Orthodox literature and religious paraphernalia. Anti Semitic literature also continued to be sold at kiosks selling Orthodox literature, including one located in the National Academy of Sciences. The CRNA claimed it was difficult to prevent the distribution of Russian-produced anti-Semitic literature.

In January, the organization Russian National Unity distributed anti-Semitic leaflets in Gomel, which stated: "The Jews are trying to destroy Christianity," "Now hostile activities against the Jews will begin," "The Jews are the forces of evil," and "The fighters against God must be exterminated." In addition, the letters RNE were sprayed on the walls of the Jewish Community building in Gomel. No suspects were arrested at year's end.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41671.htm).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement; however, in practice a citizen's right to choose his place of residence was at times restricted. Internal passports served as primary identity documents and were required for internal travel, permanent housing, and hotel registration.

In 1999, the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a pass (propiska) or a registered address. Under that article, employers faced fines for giving jobs to persons who had no stamp in their passports indicating that their residence and their new place of employment were located in the same city or district. Credible reports indicated that police continued to harass individuals because they were living in a location other than their legal place of registration.

The Constitution provides for freedom of movement in and out of the country; however, this right was restricted at times. Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain an exit stamp valid for 1 to 5 years. Once the traveler has a valid stamp, travel abroad is not restricted by further government requirements and formalities; however, the Government could intervene to invalidate stamps that had been issued. Authorities imposed a foreign travel ban on opposition activists Antonina Kovaleva and Lyudmila Gryaznova. Gryaznova failed to pay a fine of approximately \$2,000 (4 million Belarusian rubles) for staging an unauthorized opposition march on April 26 marking an anniversary of the Chernobyl disaster, and the Government invalidated her foreign travel permit on July 8. Some months after the fine was paid, Gryaznova's ability to travel abroad was restored.

The law requires travelers to border zones to obtain an entrance pass (propusk). Some long term election observers of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) reported problems gaining permission to travel to the border zones as part of their mission. ODIHR reported that the application of this law did not appear to be uniform and their long term observers received conflicting information about the need to obtain an entrance pass.

The law provides for internal exile, and the Government uses it. Detention in internal exile is one possible penalty for defaming the President. For example, Yuriy Bandazhevskiy, a former university rector and Chernobyl researcher, was serving an 8 year sentence in internal exile in the Grodno for this offense.

The Constitution provides for the right to emigrate, and the authorities generally respected this right; however, there were restrictions for individuals with access to sensitive state information or citizens involved in criminal investigations. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The Constitution gives aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol and the Government has established a system for providing protection to refugees. Under the refugee law, all persons who applied for or received asylum are protected against refoulement, the return of persons to a country where they feared persecution; however, the Government often deported individuals seeking to transit the country from Russia back to Russia, despite the fact that the UNHCR did not consider Russia to be a safe country for such purposes. The Government granted asylum during the year to individuals from Afghanistan and Georgia.

The authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Since 1997, approximately 3,000 applications for refugee status were filed; of which 732 persons received refugee status. Of the 719 officially recognized refugees in the country, the most refugees were from Afghanistan, Georgia, Armenia, Azerbaijan, Tajikistan, and Ethiopia. During the year, 23 individuals were granted asylum, while 33 asylum applications were rejected. The UNHCR operated a center in Vitebsk providing temporary accommodations for 30 persons. The UNHCR also opened a social rehabilitation center for forced migrants in Gomel, which was designed to accommodate up to 14 refugees at a time for 6 months. On March 18, the UNHCR provided funds to open a center to provide temporary accommodation for asylum seekers and illegal migrants at the Minsk National Airport. The center can house up to 12 individuals. Only two migrants applied for asylum at the airport in 2003, and two more applications had been received as of October.

Section 3

Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides the right for citizens to change their government peacefully; however, the Government effectively denied citizens this right. The President dominates all branches of government. Since his election in 1994 to a 5 year term as the country's first President, he has consolidated power steadily in the executive branch. He used a 1996 referendum and another referendum on October 17 to amend the Constitution to broaden his powers and extend his term in office, although the Constitutional Court in 1996 ruled that the Constitution could not be amended by referendum.

The Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except in a few cases specified in the Constitution. The Constitution also allows the president to issue decrees with powers equal to that of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly.

On October 17, the country held parliamentary elections and a referendum to change the Constitution and eliminate term limits for the president, thus allowing Lukashenko to run for a third term in 2006. The elections were neither free nor fair. The Government used administrative resources to support the referendum and government backed candidates. An ODIHR observation mission reported that the election fell significantly short of international standards for democratic elections, citing the

active exclusion of opposition candidates, detention of opposition campaign workers and domestic observers, restrictive campaigning rules, unbalanced media coverage, flawed vote counting, and a lack of transparency in vote tallying. Other electoral irregularities included the firing and non extension of employment contracts of opposition candidates and individuals who worked on their campaigns, and widespread, credible reports of coercion of individuals to vote early, when oversight was more lax.

Election commissions consisted almost exclusively of government employees, despite the nomination of opposition candidates to these bodies. Of the 1,430 members of district election commissions, only 27 represented opposition political parties.

District election commissions (DECs) refused to register several opposition candidates for parliament, claiming that signatures presented by the candidates on their registration petitions were fraudulent. There were reports that authorities had pressured some signatories to say that they had not signed. The Central Election Commission (CEC) and the Supreme Court both refused to overturn the DEC decisions in several cases where individuals whose signatures were questioned provided sworn testimony that they had indeed signed the petitions. Former parliamentarian Vladimir Novosyad, former opposition presidential candidate Vladimir Goncharik, and former Presidential Administration Head Leonid Sinitsyn all were denied registration despite providing proof that signatures described by the authorities as fraudulent were valid. On October 5, a DEC official at Goncharik's appeal of his nonregistration before the Supreme Court admitted that his commission only sought to verify signatures supporting certain candidates.

DECs also deregistered several prominent opposition candidates who had managed to register, generally on the grounds that they had employed inappropriate or illegal material in their television and radio speeches, newspaper articles, or election leaflets. A Vitebsk DEC removed youth opposition leader Pavel Severinets and opposition candidate Vladislav Tokarev from the ballot for saying in their campaign speeches that corruption and red tape permeated the local government. The Government's Media Supervisory Council, which consisted exclusively of government officials and members of progovernment groups, assessed the speeches as defamation. Credible reports indicated that warnings and deregistration were applied more frequently to opposition party members than to government-supported candidates.

The BAJ and the OSCE/ODIHR both observed that state media outlets provided extensive and solely positive coverage of the President while providing negative coverage of opposition parties and political figures. State media frequently denigrated opposition political parties. On May 11, BT aired a special called "The Road to Nowhere" accusing the opposition of incompetence and dependence on foreign sponsors. The broadcast equated campaign training sessions attended by the opposition with Nazi saboteur training sessions.

Credible reports indicated that local executive committees denied opposition candidates' requests for opportunities to meet with voters or allowed meetings only in remote locations, while government supported candidates were allowed to schedule meetings in populated locations. Minsk district authorities prohibited opposition candidate Yuriy Zenkovich from holding rallies on 25 occasions before the parliamentary elections, citing doubts about Zenkovich's Belarusian citizenship, even though he presented his passport as proof of citizenship. They also cited his non payment of legally mandated fees for police and medical personnel required to be present at such demonstrations.

The Government engaged in arbitrary tax inspections, safety inspections, the deregistration of candidates, and confiscation of printed matter and equipment to immobilize much of the pro-democratic opposition leading up to the parliamentary elections and Constitutional referendum.

A September order by the Deputy Prime Minister that all government employees be moved to fixed-term contracts by October 6 was credibly viewed as a means of exerting pressure on those employees working on election committees to falsify results during the October 17 voting.

Early voting was conducted from October 12 until October 16. The Government reported that early votes composed 20 percent of all votes, while independent observers put the figure at 25 percent. ODIHR reported that 20 percent of early voting ballot boxes inspected by observers on October 17 did not have seals, which were required to ensure that no ballot tampering took place. Tallies of early votes showed a higher percentage of support for Lukashenko than among votes cast on election day.

While few serious violations were noted during the process of voting, observers noted significant violations during vote tallying. Observation of vote tallying was restricted; however, when observers were able to view vote tallying, many reported that the number of votes listed on protocols did not match the ballots tallied. On the day after the election, an individual found over 60 referendum ballots in the garbage outside of a DEC. All of these ballots contained votes against the referendum. The voting process was nontransparent for both local and international observers, which led observers to call into question the accuracy of reported results.

During the year, the Government used force to disperse demonstrations by opposition parties (see Section 2.b.).

Corruption in the executive branch of Government was a significant problem. While some individuals were prosecuted for corruption during the year, these prosecutions did not represent a serious attempt to combat corruption. On February 10, President Lukashenko dismissed the head of the Property Management Division of the Presidential Administration Galina Zhuravkova and on February 13 he dismissed the head of the Belarusian State Television and Radio Company Yegor Rybakov.

Police formally charged Rybakov with grand larceny, bribery, and power abuse and Zhuravkova with large scale embezzlement. Zhuravkova was later released from custody after paying restitution but her criminal case is still pending. No resolution to the Yegor Rybakov's case occurred by year's end.

Laws and government policies severely restrict public access to government information and the authorities moved to restrict it further during the year. An April 12 Presidential Edict broadened significantly the amount of government material considered a state secret. On April 26, BKGB officers arrested Mikhail Marinich, a prominent opposition member and a former Ambassador and Minister, on accusations of stealing secret documents. These documents related to Marinich's work as Minister of External Economic Relations. Credible reports indicate that the arrest of Marinich was politically motivated and that the Presidential Edict provided the basis for one of the criminal charges against Marinich, although this charge was later dropped (see sections 1.d. and 1.e.).

Of the 110 deputies in the newly elected lower house of parliament, 32 were women, while 18 of the 56 elected members of the upper house of parliament were women. With the exception of the judiciary, social barriers against women were strong, and men held virtually all of the leadership positions. The Ministers of Social Security and Health were the only female members of the Council of Ministers. The head of the Government's Central Election Committee was a woman. At a July 20 news conference, President Lukashenko directed that women should make up between 30 and 40 percent of the new legislature.

The country was ethnically homogeneous; most minorities have long been assimilated. There was little ethnic discord. No high level members of government or parliament identify themselves as members of a minority.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups were active in the country; however, authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also harassed NGOs by bureaucratic means. The authorities generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official state media did not report on human rights NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see Section 2.a.).

The Government closed most remaining major registered human rights NGOs and NGO resource centers during the year, actions viewed by independent observers as politically motivated. The law requires two violations before the MOJ can initiate procedures against an NGO. The violations most frequently cited were discrepancies between the stamp that had been presented when the organization registered and the one used on a subsequent occasion, petty inaccuracies in an organization's letterhead, the use of a mailing address at a residence rather than at an office, alleged forgeries among the signatures required to obtain legal registration, and failure to follow the organization's own bylaws.

On January 28, the Government closed the Independent Society for Legal Studies (ISLS), citing legal support provided by its members to other NGOs. The Government closed "New Group" for a discrepancy in its legal address as well as for its provision of assistance to ISLS during the Government's action to close ISLS. On September 16, the MOJ initiated a lawsuit to close the Belarusian Helsinki Committee (BHC), the most prominent registered human rights group in the country, citing as grounds a September 15 lawsuit filed by BHC alleging the referendum to remove Presidential term limits was unconstitutional; the MOJ's lawsuit had not been pursued by the prosecutor by year's end.

The law prohibits individuals from acting on behalf of an unregistered NGO, and several individuals were prosecuted for this offense during the year. On August 31, a Zhlobin court fined Vladimir Katsura \$265 (540,000 Belarusian rubles) for acting on behalf of the unregistered Five Plus coalition.

Government regulations effectively prohibited human rights NGOs from receiving support from foreign sources. A 2003 Presidential decree stipulated that international assistance may only be granted to, or accepted by, an organization that is registered with the Ministry of Economy. On the receiving side, all non-governmental projects receiving funds or materials from abroad, including those carried out by international organizations, must be registered either with the Ministry of Economy (in cases of technical aid) or with the Humanitarian Assistance Department of the Presidential Property Management (in cases of humanitarian relief). Unregistered organizations are not allowed to receive foreign assistance. Further, the law specifies that any local body that receives "illegal" foreign aid may be closed after just one violation of these requirements. It is illegal for unregistered organizations to receive foreign assistance or provide assistance to other NGOs. A presidential decree, "On Improving the System of Receipt and Use of Humanitarian Assistance," issued in November, 2003, and allegedly aimed at stopping foreign supported seditious activity, specifically prohibits foreign support for a broad range of activities directed at the "alteration of the constitutional order, the overthrow of state power, or the encouragement of such activities." Prohibited activities include the preparation, administration, and organization of elections and referenda; the organization of meetings, rallies, demonstrations, pickets, and strikes; the publication and distribution of promotional materials, and the organization of seminars and other types of promotional activities involving the population.

Break ins and questionable tax audits remained problems during the year. The MOJ ordered a comprehensive audit of the BHC after a court rejected an order by the tax authorities for the BHC to pay \$73,000 (155 million Belarusian rubles) in taxes on foreign assistance received from the EU (the EU and the Government had signed a memorandum of understanding providing that the assistance was exempt from taxation).

The country's poor human rights record continued to draw the attention of many international human rights organizations. Authorities were increasingly reluctant to discuss human rights with international NGOs, whose members often had difficulty travelling to the country and were occasionally expelled from the country. The authorities increased their harassment, often through tax assessments and inspections, of international NGOs working in the country. The Ministry of Foreign Affairs refused to reregister the Union of Councils for Jews in the Former Soviet Union (UCSJ), an affiliate of a foreign based organization, ostensibly because some of its documents had been submitted late (see Section 2.c.).

The Government rejected an April 8 UNCHR resolution that urged it to conduct a transparent investigation of the disappearances of prominent opposition activists and to suspend or dismiss those suspected of involvement in such disappearances (see Section 1.b.). The resolution also stressed the need to establish an independent judiciary, release journalists imprisoned for political reasons, bring the actions of its police and security forces into compliance with the International Covenant on Civil and Political Rights, and comply with the various mechanisms of the Commission on Human Rights. The UNCHR named Adrian Severin of Romania as its Special Rapporteur on the human rights situation in the country; however, the Government refused to grant Severin a visa to enter the country to conduct his assessment and stated that it would not cooperate with the UNCHR if it did not agree with the assessment's findings.

On April 28, PACE reacted to the results of an investigation it had commissioned on the disappearances of Krasovskiy, Gonchar, Zakharenko, and Zavadskiy (see Sections 1.a. and 1.b.). It adopted a unanimous resolution calling on the authorities to conduct a "truly independent" investigation of the disappearances after first suspending then Prosecutor General Viktor Sheiman, who was accused of orchestrating the disappearances. The resolution called for maintaining the suspension the country's earlier Special Guest status and indicated that until there was substantial progress by the Belarus Government in investigating the disappearances, the presence of any parliamentarians from that country in PACE would be inappropriate. The Government condemned PACE's action.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution states that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, neither the Constitution nor the laws specifically prohibit discrimination based on factors such as race or sex. Racial and national groups, women, and persons with disabilities experienced discrimination.

Women

Women's groups reported that domestic violence, including spousal abuse against women, was a significant problem. In January, a Belarusian delegation to the Commission on the Elimination of Discrimination Against Women (CEDAW) stated that 30 percent of women reported suffering from domestic violence. NGOs run crisis centers, primarily in Minsk. Spousal abuse is punishable under the law, and women's groups indicated that the police generally enforced these laws against domestic violence and that the courts generally imposed appropriate sentences. In 2003, police charged 2,214 individuals with involvement in domestic violence that included 165 homicides and 380 instances of severe injury. Nevertheless, reluctance among women to report instances of domestic violence due to fear of reprisal and social stigma remained widespread.

Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police would blame the victim. Over 20 percent of women reported experiencing sexual abuse at least once, according to data released by the Ministry of Labor and Social Security in November. In a survey of 2,000 women, 30 percent indicated that they had been raped or sexually abused between the ages of 14 and 17. In addition, sexual harassment was reportedly widespread, but no specific laws other than those against physical assault deal with the problem. There is no explicit law against spousal rape and there have been no prosecutions. Socially, spousal rape was not viewed as a crime.

Although the authorities and local human rights observers reported that prostitution was not a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in regions outside the main cities. Street prostitution appeared to be growing, and prostitution rings operated in state owned hotels.

Trafficking in women was a serious problem, which the Government took some steps to address (see Section 5, Trafficking).

The law requires equal wages for equal work; however, it was not always enforced in practice. Women had significantly fewer opportunities for advancement to the upper ranks of management or government. Women held only four high level government positions and one CEO position in a major company. Women reported that managers frequently considered whether a woman had children when examining job candidates.

On May 18, lawmaker Anna Burova called for a gender equality law that would create a post of commissioner in the Government, which could supervise and coordinate policies for gender equality; however, at year's end there was no indication that the Parliament was considering such legislation. The Ministry of Labor and Social Security bears responsibility for issues involving gender equality; however, it cannot issue binding instructions to any other government agency.

The level of women's education was higher than that of men. Women constituted approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. A disproportionate number of

the unemployed were women. Women are equal in law to men with regard to property ownership and inheritance and this was generally respected in practice.

Women's groups were active and focused primarily on child welfare, environmental concerns (especially the after effects of the Chernobyl nuclear disaster), the preservation of the family, the promotion of women to decision making levels in the country, the support of women entrepreneurs, and combating trafficking. Job training provided the best results in efforts to increase women's roles in business and society and to combat trafficking. For example, the United Nations Development Program (UNDP) continued its program, "Support to Expanding Public Space for Women in Belarus," which provided leadership seminars, business start up training and an MBA program. There was an active women's political party.

Children

The authorities were committed to children's welfare and health. By law all inhabitants, including children, were entitled to health care and education, which they generally received, although the quality of education and medical care was lower outside of major cities. There was no reported difference between the treatment of girls and boys in the provision of either health care or education.

Children begin school at the age of 6 and are required to complete 9 years, and this requirement was generally met. The Government made 11 years of education available at no cost and continued to develop a 12 year education program. State run and private higher education was available, but some private institutions experienced government harassment or closure based on their curricula (see Section 2.b). The Government provided alternative modes of education for children with disabilities, depending upon the severity of their disabilities. Children with severe disabilities may attend centers located throughout the country. Assistance offices exist to help children with physical and mental disabilities integrate into traditional classrooms. The quality of these programs varied. A law adopted in May provided children with disabilities the ability to receive education at home, which some parents utilized. The NGO Belarusian Assistance to Children and Young Persons with Disabilities promoted the rights of children and young persons with disabilities.

In the past, the Government has devoted considerable attention to overcoming the health effects of the Chernobyl nuclear accident; however, in response to the insistence of President Lukashenko, expressed in November, the Government threatened to restrict children's rehabilitation trips abroad.

Families with children continued to receive government benefits, such as discounted transportation, but a disproportionate rate of families with children lived under the poverty line. In October, the President by edict created financial and housing incentives for families with three or more children with the aim of increasing the population and remedying the high levels of poverty for this group. Child abuse exists; however, there did not appear to be a societal pattern of abuse of children. According to Ministry of Education figures released during the year, 40,000 children were neglected. Orphans and abandoned children accounted for 1.5 percent of children, 2.5 times as many as in 1990.

There were no specific reports of trafficking in children but informed observers indicated that it existed but was rare (see Section 5, Trafficking).

On February 23, the Government enacted a law allowing military units to adopt and train orphans between the ages of 14 and 16. The orphans may not be enrolled as servicemen while still children. The Government committed itself to providing free food, clothing, housing, education, medical care, and cash allowances. These children are required to comply with the rules of the military units where they live, wear a uniform, obey orders, and join the unit upon reaching the draft age of 18.

UNICEF's affiliated NGO, the Belarusian Association of UNESCO Clubs, reported a severe shortage of information on children's issues.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking, particularly trafficking in women, remained a serious problem. The Government continued to make significant efforts to combat trafficking; however, three difficulties inhibited this effort: Corruption among police officers and border guards, lack of communication among government agencies, and the perception of trafficked persons as criminals rather than victims.

The Criminal Code penalizes trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes hiring individuals for sexual or other exploitation. The penalty for trafficking is 5 to 7 years' imprisonment. Severe forms of trafficking are punishable by up to 15 years' imprisonment. On July 23, law enforcement authorities secured their first trafficking conviction under the country's anti trafficking law. The courts sentenced the trafficker to 6 years in prison and fines for trafficking two teenage girls to Lithuania in the fall of 2003.

In June, the Government created the Department on Combating Trafficking in Human Beings. This office remains subordinate to, and yet independent of, the Drugs and Morals Enforcement Department of the Ministry of the Interior, which previously dealt with trafficking issues. Observers noted that the creation of this office was a positive step in combating trafficking, but many

concluded that the Government needed to clarify the role and power of the new Department in order for it to be effective.

Attention to trafficking at the border increased, but segments remain largely uncontrolled. The Ministry of Labor continued to monitor and license activities of employment agencies offering labor contracts in foreign countries. Since July 2003, all agencies arranging employment abroad must be licensed. In some instances, the Ministry suspended or revoked such licenses for failure to meet established standards as a legitimate agency or business. The Ministry viewed these agencies as potential vehicles for trafficking.

The Government collaborated with foreign governments to pursue trafficking investigations. The Government assisted government agencies in Germany, England, Lithuania, Austria, Poland, Italy, Turkey, and other nations on various trafficking cases.

The International Organization for Migration (IOM) estimated during the year that 10,000 citizens become victims of trafficking annually, primarily for sexual exploitation in other countries. The country was both a country of origin and transit for women trafficked to the European Union (particularly Germany and Poland), the Middle East (particularly Israel and Cyprus), Turkey and Russia, Ukraine, Lithuania, Germany, Israel, Poland, Czech Republic, Turkey, Cyprus, Bahrain, Syria, Greece, Hungary, and Serbia and Montenegro. The open border with Russia was a particular problem as it allowed easy trafficking of Russian women to the West or Belarusian women to Russia and the East. Women and girls under the age of 25 were at particular risk of trafficking due to ignorance of the risk and lack of domestic economic opportunities in the country.

Traffickers used force, fraud, and coercion to traffic their victims. Victims were trafficked mostly from economically depressed areas, where traffickers recruited through overseas employment offers, marriage arrangements, and travel agencies. More than half of the trafficked women were promised jobs as dancers or entertainers without any mention of prostitution or sexual exploitation. Traffickers often withheld victims' documents and used physical and emotional abuse to control victims en route and in the destination country.

Employment agencies, particularly travel and modeling agencies, as well as individuals with connections overseas, were primarily responsible for trafficking. Some traffickers had links to organized crime and drug trafficking, but there was no information on the extent of this involvement.

Corrupt officials facilitated trafficking by accepting bribes and turning a blind eye to trafficking. However, the Government began to crack down on corruption, prosecuting two officials in two different cases during the year for aiding trafficking. In 2003, the Government and an international organization collaborated to produce a counter trafficking operations handbook for police and border guards.

Women seldom reported incidences of trafficking to police, probably due to the social stigma attached to trafficking crimes, a negative public opinion about authorities, insufficient protection of victims and witnesses, and a shortage of reintegration services for victims. Some victims were deported back to the country and did not receive special status or assistance as trafficking victims either in the countries to which they were trafficked or at home. During the year the IOM assisted 251 victims. The number of victims seeking assistance more than quadrupled in comparison with 2003. The IOM attributed this growth to increased public awareness of the problem of trafficking and improved law enforcement assistance to victims of trafficking. More than half of the victims referred to the IOM were referred by law enforcement agencies.

In the summer, the European Community and the UNDP opened the country's second shelter for victims of trafficking. IOM used the shelter of a local NGO, Radislava. La Strada opened a mini-shelter in the early summer. The Government cooperated with NGO and international organizations in assisting victims but did not directly fund any assistance programs.

The IOM, UNDP, and La Strada/YWCA conducted national awareness campaigns and provided training to NGOs in regional towns. La Strada/YWCA and IOM continued to open and operate hotlines throughout the country. These hotlines provided opportunities for women to seek information about agencies, laws, and risks before accepting employment or marriage offers from overseas. In the summer, the NGOs managed to switch the hotlines to free "green line" numbers and create new billboards and brochures informing women to call the hotlines before making decisions to work or live abroad. The Government did not conduct independent awareness campaigns, but did increase trafficking coverage in state controlled news.

Persons with Disabilities

Discrimination against persons with disabilities in the provision of employment, education, access to health care, and other state services was a problem. Credible observers noted that the Government provided significantly more support for children with disabilities than for adults with disabilities. The law mandates that transport, residences, and businesses be accessible to persons with disabilities; however, facilities, including public transport and government office buildings, often were not accessible. In 2001, the Government started a 5 year initiative to make all public buildings accessible to persons with disabilities; however, the Republican Association of Disabled Wheelchair Users (RADWU) reported that 4 years into this project, little had changed. Ramps were installed on the exteriors of some buildings, but the interiors remained inaccessible. RADWU estimated that over 75 percent of persons with disabilities were unable to leave their homes without assistance. Many sidewalks and stores had no ramps and many buildings had only stairs or small elevators.

The central authorities continued to provide some minimal benefits and subsidies to persons with disabilities, but according to the RADWU and the Belarusian Society of the Disabled, most of those benefits were ineffectual. For example, while persons with disabilities were given a 50 percent discount on rent and utilities, the reduction could only be claimed if the individual lived alone. Very few could claim the discount, as there were few homes accessible to persons with disabilities, and most individuals lived with friends or family who provided daily mobility. Public transportation was free of charge, but neither the metro nor the bus system was wheelchair accessible.

The Government prohibited any employer from requiring a person with disabilities to work more than 7 hours per day. This regulation was intended to protect the disabled, but actually provided a disincentive for hiring disabled persons as companies received less work than from a typical employee. The Government's decision to support only government run rehabilitation facilities, which were often less well-equipped and less responsive to needs than NGO facilities, had a negative effect on the quality of care.

Foreign and domestic charities continued to provide care for children with disabilities.

National/Racial/Ethnic Minorities

The Russian and Belarusian languages share equal legal status; de facto, however, Russian remained the predominant and often only language used in government activities and on government forms. The Government's record in providing services in the Belarusian language improved slightly during the year. Authorities were occasionally responsive to requests for use of the Belarusian language in official activities. They occasionally published government documents in the Belarusian language. The authorities continued to limit the availability of early childhood education in Belarusian. The authorities claimed they only closed those Belarusian language schools that experienced diminishing enrollment; however, observers doubted this claim. While several subjects in schools, such as the history and geography of Belarus, were taught only in Belarusian, most school content continued to be taught in Russian.

During the year, youth belonging to Russian ultra nationalist skinhead groups continued to be active. They continued to target foreigners as well as citizens promoting Belarusian culture. There were a number of skinhead groups, including the Russian National Union (RNU) and the National Bolshevik Party. The ultra nationalist RNU targeted both minorities and oppositionists. Observers noted that the RNU disrupted an opposition rally in May.

Despite legislation prohibiting the dissemination of hate literature, events and stores associated with the BOC continued to sell anti-Semitic literature, though such materials were in small quantities and not prominently displayed (see Section 2.c). Despite assurances from the Committee of Religious and Nationalities Affairs (CRNA) that the Government took all necessary steps to address such manifestations of hate literature, no concrete steps were observed during the year.

Both the Government and society engaged in significant discrimination against Roma, who numbered almost 70,000. High unemployment and low levels of education characterized the Roma community. On November 9, the Government cited the Roma unemployment rate at 93 percent. Due to negative stereotypes, other citizens did not hire Roma. The police harassed Romani women selling produce or telling fortunes in the marketplace. State media and government officials portrayed Roma negatively. On June 23, Romulad Andrievski, head of the Ministry of Internal Affairs' Department of Drug Trafficking, asserted that at least 50 percent of all Roma were drug dealers; while credible sources indicated that drug dealing by Roma was a problem, they regarded the 50 percent figure as exaggerated.

Roma children struggled in the school system; they speak primarily Romani and Belarusian, but in most Belarusian schools the language of instruction is Russian. Parents often withheld their children from kindergarten in an effort to avoid assimilation. As a result, Romani children were linguistically behind in the all Russian classrooms. It took 2 to 3 years for the students to catch up; Romani students reported that their teachers and fellow students often assumed they were lazy or mentally incompetent when their academic difficulties actually resulted from language difficulties.

Roma were able to receive higher education in the country's few private educational institutions, but were often denied access to higher education in state run universities. The Roma Lawyer's Group repeatedly petitioned the Government to permit the establishment of a public Roma school in Minsk, arguing that there were schools for Jews, Lithuanians, and Poles, but the Roma have no such educational opportunities. By year's end, there had been no response from the authorities.

Other Societal Abuses and Discrimination

Homophobia and discrimination against homosexuals were a problem. Although homosexuality was not a criminal offense, homophobia was widespread and instances of harassment occurred in all spheres of society. A negative statement about homosexuals by President Lukashenko in September demonstrated that negative attitudes towards homosexuals existed at the highest levels of government.

Instances of discrimination included canceling in May of a concert by openly gay pop star Boris Moiseyev's performance for the 60th anniversary of liberation from Nazi occupation. In another incident, the Music 1 Channel denied a homosexual man permission to post a message on a televised dating chat room. The channel explained that they are not allowed to "propagate non-traditional sexual behavior" in their programming. Such incidents were not isolated.

According to the UNDP, there was no official discrimination against persons with HIV/AIDS; however, there was societal discrimination. HIV infected individuals were afraid to disclose their status for fear of prejudice based primarily on a lack of understanding of the virus. Even doctors often strongly feared AIDS and lacked knowledge about the disease. The UNDP reported that very few medical personnel dealt with HIV/AIDS patients and HIV-infected women could give birth only at one department at one hospital. In prisons, HIV-infected inmates faced strong discrimination and were segregated to minimize risk of injury or even death at the hands of other prisoners.

Section 6 Worker Rights

a. The Right of Association

The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights were not respected in practice. Measures to suppress independent unions included the conversion of all government employees to short-term contracts, the nonextension of employment contracts for some members of independent trade unions, the arrest of members of independent trade unions for distributing union literature, the confiscation of union materials, the denial to union members of access to work sites, excessive fines, and pressure on union members by managers and state authorities to join progovernment unions. In a report published October 8, an ILO Commission of Inquiry criticized the Government for its interference in trade union activity. The Government continued to pursue the objective of bringing all trade union activity under its effective control.

During the year, the authorities continued to interfere in the work of the independent Congress of Democratic Trade Unions (CDTU), especially regarding activities of independent, affiliated unions. In June, the International Labor Organization's (ILO) Standards Committee included the country in its special paragraph on trade union violations for a third consecutive year and urged the Government to address the ILO recommendations that it eliminate Government interference in unions. On October 8, the ILO Commission of Inquiry, established in November 2003, published a report detailing serious violations of workers' rights in the country. The ILO report concluded the Government had violated the ILO Freedom of Association and Protection of the Right to Organize Convention and the Right to Organize and Collective Bargaining Convention by using laws on registration to restrict the formation of trade unions, by failing to take effective measures against anti union discrimination, and by preventing workers' organizations from organizing their activities freely.

In November 2003, the Ministry of the Economy informed the ILO that all activities related to the ILO's technical assistance project to labor unions must cease, because the registration of the project had been rejected. The Ministry cited the exclusion of the Federation of Trade Unions of Belarus (FTUB) from project activities as the main reason that registration was denied, even though local branch unions affiliated with the FTUB participated in project activities throughout the year.

A 2003 Presidential decree requires trade unions to enroll a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The decree specifies a minimum enrollment of 500 members for national unions. It also obliged existing registered unions to reregister and to meet the new requirements. Independent trade union leaders reported that this decree had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state owned enterprises. Some local unions have been denied registration under this decree. The ILO Commission of Inquiry on October 8 noted that a Grodno regional court denied registration to the Belarusian Free Trade Union (FTU) at Khimvolokno, a local business, because the FTU did not provide documents confirming the FTU met the 10 percent minimum membership requirement.

The authorities continued to threaten employees at state run enterprises who joined independent trade unions with dismissal. The FTUB, formerly the Belarusian branch of the Soviet Union's All Union Central Council of Trade Unions, consisted of approximately 3.9 million workers and was the largest trade union organization. The independent CDTU consisted of 4 independent unions totaling 12,000 members. According to FTUB figures, 92 percent of the workforce was unionized.

The Government forced government employees and employees of state-owned businesses, who together were a majority of the workforce, to move to a short term contract system from a lifetime contract system of employment during the year. A September 2 order by Vice Premier Andrey Kobyakov threatened ministers and governors that failure to transfer government officials to fixed term contracts before October 6 would be "called into account." Credible reports indicate that the Government used the fixed term contract system to dismiss independent union members and opposition political activists. Although the contract system allows contracts to be signed for periods up to 5 years, only one major employer signed contracts of that length. Most contracts were concluded for 6 months or 1 year terms.

Independent trade unions faced continual Government harassment. The ILO Commission of Inquiry noted on October 8 that the punishment courts imposed on union leaders Aleksandr Yaroshuk and Aleksandr Bukhvostov and lawyer Vladimir Odynets in 2003 was motivated by their union activities. On September 17, the management of the Belarusian Aerial Navigation Enterprise informed the former vice president of the deregistered Belarusian Air Traffic Controllers' Union Oleg Dolbik, that his contract would not be extended. On September 20, a Grodno court fined Ivan Roman, a member of the Belarusian Trade Union of Workers of Radio and Electronic Industry, Automobile Machinery, Metalworking Industry, and Other Branches of the National Economy (REPAM) \$84 (180,000 Belarusian rubles) for distributing the REPAM bulletin "Shaber." The MOJ had revoked the registration of the REPAM on July 22, only 3 months after it granted it. The ministry also blocked efforts by the Belarusian Trade Union of Workers of Radio and Electronic Industry (REP), one of the two unions forming the core of REPAM, to broaden its

membership base.

The MOJ closed the Belarusian Party of Labor (BPL) on August 2. President Lukashenko and Industry Minister Anatoly Kharlap both set the removal of party chairman Aleksandr Bukhvostov and party leader Gennady Fedynich from the head of FTUB affiliated unions as a primary goal for 2003. Bukhvostov was removed from his position as head of the Agricultural Machinery Workers Union (ASM) in December 2003,

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, the authorities and state owned enterprises hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements. An ILO Commission of Inquiry concluded that several trade unions had been denied the right to bargain collectively because of the deregistration and nonregistration of unions. The independent Free Trade Union reported it had been unable to open negotiations on a collective bargaining agreement for workers at the Mogilev factory of artificial fiber for over a year. Unions reported that some enterprises and state agencies pressured workers to accept individual contracts in lieu of collective contracts and also altered the duration of the contracts from life to fixed terms (see Section 6.a.).

The Constitution provides for the right to strike; however, tight control by the Government over public demonstrations made it difficult for unions to strike or to hold public rallies furthering their objectives. During the year, small vendors and workers organized several small strikes in various regions of the country. However, there were many instances in which management and local authorities frustrated workers' attempts to organize strikes by declaring that such activities would be illegal.

There are no special laws or exemptions from regular labor laws in the six special economic zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports that such practices occurred. A February 23 law allows the commanding officers of military units to receive responsibility for orphans from the ages of 14 to 16; such orphans are required to join the military unit after they reach the legal draft age. The Government approved several "subbotniks" by which workers "volunteered" to work on Saturday and donate the day's earnings to finance certain social projects. Participation in subbotniks was technically voluntary but effectively mandatory; workers who refused to participate were subject to fines and intimidation by employers and the authorities.

d. Prohibition of Child Labor and Minimum Age for Employment

The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14 year old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively. However, students were required to participate in potato harvesting activities.

e. Acceptable Conditions of Work

The minimum wage was \$40 (87,000 Belarusian rubles) a month, which was below the countries' minimum sustenance budget of \$60 (130,000 Belarusian rubles) and did not provide a decent standard of living for a worker and a family; however, average real wages improved during the year from approximately \$126 (264,000 Belarusian rubles) to \$175 (380,000 Belarusian rubles) a month.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24 hour rest period per week. In reality, because of the country's difficult economic situation, a number of workers found themselves working considerably fewer than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often were ignored. Workers at many heavy machinery plants did not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate existed but did not have the authority to enforce compliance, and violations often were ignored. During the year, 250 workers died and 840 were seriously injured in workplace accidents. The high accident rate was due to a lack of protective clothing, shoes, equipment, failure to observe temperature regulations, the use of outdated machinery, and inebriation on the job. 46 percent of those who died in workplace accidents were inebriated. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.